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1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 WESTERN DISTRICT OF PENNSYLVANIA
3 CONSOLIDATION COAL COMPANY,)
4 Plaintiff,)
5 vs.)
6 UNITED STATES DEPARTMENT OF)
7 THE INTERIOR, NATIONAL PARK)
8 SERVICE,)
9 and)
10 CAROL D. SCHULL, individually)
11 and in her capacity as the)
12 Keeper of the National Register)
13 of Historic Places,)
14 and)
15 ROY BRENDDEL and DIANE BRENDDEL,)
16 Defendants.)

Civil Action
No. 00-2120

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16 DEPOSITION OF: ROY BRENDDEL

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18

19 DATE: February 9, 2006
20 Thursday, 9:30 a.m.

21

22 LOCATION: Thorp Reed & Armstrong
23 14th Floor
24 One Oxford Centre
25 Pittsburgh, PA 15219

26 TAKEN BY: Consolidation Coal Company

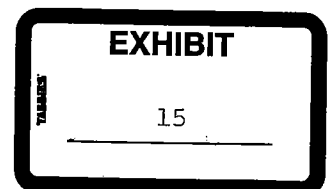
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28 REPORTED BY: Keith G. Shreckengast, RPR
29 Notary Public
30 AKF Reference No. KS92308

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1 DEPOSITION OF ROY BRENDDEL,
2 a witness, called by the Plaintiff for examination,
3 in accordance with the Federal Rules of Civil
4 Procedure, taken by and before Keith G. Shreckengast,
5 RPR, a Court Reporter and Notary Public in and for
6 the Commonwealth of Pennsylvania, at the offices of
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1 MR. HOOK: He's not going to answer
2 those questions.

3 MR. KATARINCIC: You're reshading the
4 argument in a way favorable to you.

5 BY MR. KATARINCIC:

6 Q. All I'm saying is in those boxes are there any
7 documents that come within the purview of
8 what's described here in paragraph 13, which is
9 mine subsidence?

10 MR. HOOK: He's not going to answer
11 it.

12 Q. Those documents are in Mr. Hook's car, you say,
13 down in the building here? Is that what you
14 said?

15 A. Yes.

16 Q. Parked in the building here where this
17 deposition is going on?

18 A. Yeah, where he parked his car.

19 Q. But I mean they're in town here?

20 A. Yes.

21 MR. KATARINCIC: Many of my questions
22 that I have set forth here pertain to
23 documents. So I've been basically prohibited
24 from taking this deposition because of that
25 conduct.

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1 MR. HOOK: For the record, I'd like
2 to state that the conduct that has caused the
3 documents not to be here is Mr. Katarincic's

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4 conduct yesterday, where he attempted to
5 improperly hijack those documents and keep them
6 here in his office, contrary to the original
7 agreement of them being brought up here. Until
8 such time as Mr. Katarincic can agree to an
9 appropriate method to handle the documents,
10 they will remain in my custody, at my office,
11 where he is welcome to come and examine them at
12 his convenience, upon making appropriate
13 arrangements.

14 BY MR. KATARINCIC:

15 Q. But right as you sit here today, you have no
16 documents in this room in response to this
17 notice of deposition, do you?

18 A. I put the documents, as was asked for, I
19 brought them yesterday.

20 Q. Are they in the room here today?

21 A. I'm not going to answer that question.

22 Q. You have to answer me. Are they here? You
23 have no choice what you do or don't want to
24 answer, sir. It's a fact, are those documents
25 here right now in this room?

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1 A. I brought them yesterday.

2 Q. Sir, are they here now, please?

3 A. They're in the boxes.

4 Q. Are the boxes here?

5 A. I'm not going to answer that question.

6 MR. KATARINCIC: It seems to me, I've
7 never tried before, but this is a perfect
8 opportunity for contempt proceedings against
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9 this witness. His last several questions
10 reflected to me he's obstreperous, doesn't want
11 to cooperate. And is apparently, for some
12 reason, refusing to give evidence to me. I'm
13 going to terminate this, but I'm going to do
14 two things; first move for sanctions, and
15 second, move to have you held in contempt. And
16 I mean it. We'll leave it at that.

17 This deposition will be terminated in
18 light of the conduct of the witness, his
19 refusal to answer questions. Thank you very
20 much.

21 MR. HOOK: The record is not closed
22 yet.

23 MR. KATARINCIC: The record is going
24 to continue open.

25 MR. HOOK: Let the record show that

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1 as I indicated yesterday to Mr. Katarincic on
2 the record, that those documents would be
3 removed until such time as he agreed to an
4 appropriate method for the handling of them.
5 He has not agreed as of this date. He
6 apparently does not want to agree. The
7 documents are available for him at our office,
8 and will remain available to him at our office
9 until such time as he agrees to an appropriate
10 methodology to handle these documents, which
11 are unique, irreplaceable, family documents.
12 That have historical value, which have family